

Does Benton County have 2 levels of justice?

Superior Court Judge Carrie Runge has released documents in the alleged sexual abuse case of former Prosser mayor Linda Lusk.

The outcome was favorable for the most part, shedding additional light on the judicial process. But the debate has us wondering: Are there two levels of justice in Benton County?

The question arises because Lusk, wife of the principal of Prosser High School, is accused of third-degree child molestation in a case involving a 14-year-old male student at that school.

It is charged she had an inappropriate sexual encounter with the student in late April, that she had been "sexting" with the boy by cell phone and that sexual touching later occurred between them.

"The media have made this case difficult because of intense media coverage. The court is concerned about the defendant's right to a fair trial," Runge said.

In balancing the free press interests of the First Amendment and the Sixth Amendment assurance of a fair trial, Lusk's right "overwhelms the need of the public" to be informed, Runge said.

We won't quarrel with the judge's decision, but the word "overwhelms" seems a bit strong.

It's not the public's right to know what is going on in this case that is important, so much as the public's right to know what's going on in the courts themselves.

In any case, the courts have ample alternatives for screening potential jurors who might be biased against the accused other than infringing on the First Amendment.

From the beginning, this case has reeked of bifurcated justice.

Material routinely turned over to the public in similar cases was bundled up and stored away in this one.

Prosecutors and defense attorney alike seemed to think public access was inappropriate.

"If the entire investigative file is opened to the public, there is a high probability that potential jurors will form opinions based on the investigative records," said Lusk's attorney, former prosecutor Scott Johnson.

"These opinions, formed prior to any evidence being presented in a trial, would certainly interfere with Ms. Lusk's ability to receive a fair trial," Johnson wrote in his motion filed with the court.

Yet in similar (and recent) cases where no well-known public figure was involved, most documents routinely have been provided.

Herald attorney Cheryl Adamson pointed out that the newspaper regularly has access to police and investigative information in cases involving child molestation and asked how the Lusk case was different.

"Why is this defendant getting protection and others don't?" she asked.

To claim the materials needed to be kept sealed to protect the identity of the juvenile is absurd. The names of alleged victims of sex crimes routinely are published. The Herald has a policy against it, as do nearly all news outlets.

So that was a fatuous argument.

After the Herald forced the issue, the judge ruled the newspaper should be provided copies of police reports, the summary of the boy's statement to police and witness statements to police, with information blacked out that would identify the alleged victim and potential witnesses.

It was the right thing to do.

We're grateful to the judge.

But we're still puzzled why Prosecutor Andy Miller's office and Lusk's attorney thought it would serve justice to hide details that formerly have been routinely provided.

The defense attorney, of course, should use every legitimate means available to protect the client's interests.

But the prosecutor's office?

What's going on?

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